

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 31-50 were pending in the application, of which Claim 31 is independent. Claims 27-30 have been withdrawn from consideration. In the Final Office Action dated August 26, 2003, Claims 31-33 and 46-50 were rejected under 35 U.S.C. §103(a) and Claims 34-45 were objected to, but were deemed allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Following this response, Claims 31-50 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Final Office Action dated August 26, 2003, the Examiner rejected Claim 31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,897,681 ("*Lysson*") in view of Japanese Patent No. JP 8-91862 ("*JP '862*"). Claim 34 has been amended to include all the limitations of independent Claim 31 from which it depends. Claim 31 has been amended to further define and clarify the invention, and Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter.

Amended Claim 31 is patentably distinguishable over the cited art in that it recites, for example, a drawing furnace for drawing an optical preform into an optical fiber or into another preform having a smaller diameter, said furnace comprising a furnace body having an upper end and a lower end and comprising at least a susceptor, an induction coil and an insulating material disposed between said susceptor and said

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

induction coil, and a top chimney connected to the upper end of said furnace body, said top chimney comprising a mechanical seal for avoiding inlet of ambient air into the furnace, and a bottom chimney connected to the lower end of said furnace, wherein said top chimney comprises on its upper portion a distributor body, the distributor body configured to uniformly introduce and forcedly direct the conditioning gas into the top chimney in a downward direction towards said furnace body and wherein said bottom chimney comprising at least a lower portion with a decreasing cross-sectional area from the top to the bottom of the bottom chimney in a plane perpendicular to the longitudinal axis.

Applicants contend that the proposed amendment to claim 31 obviates the Examiner's Response to Arguments in the final Office Action. For example, *Lysson* at least does not teach or suggest the distributor body configured to uniformly introduce and forcedly direct the conditioning gas into the top chimney in a downward direction. In contrast, *Lysson* discloses providing gas perpendicular to the preform, not downward. The arrows in *Lysson*'s figure merely show the direction the gas eventually takes. This arrangement is explicitly distinguished in our specification at page 9, lines 15-20.

Furthermore, *JP '862* does not overcome *Lysson*'s deficiencies. While *JP '862* is directed toward an optical-fiber wire-drawing method, like *Lysson*, *JP '862* at least does not disclose or suggest a distributor body configured to uniformly introduce and forcedly direct the conditioning gas into the top chimney in a downward direction.

Combining *Lysson* with *JP '862* would not have led to the claimed invention because *Lysson* and *JP '862*, either individually or in combination, at least do not disclose or suggest a distributor body configured to uniformly introduce and forcedly

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

direct the conditioning gas into the top chimney in a downward direction, as recited by amended Claim 31. Accordingly, independent Claim 31 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 31.

Dependent Claims 32-33 and 46-50 are also allowable at least for the reasons above regarding independent Claim 31, and by virtue of their dependency upon independent Claim 31. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 32-33 and 46-50.

Claims 34-45 were objected to, but were deemed allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Allowed Claim 34 has been rewritten in independent form to include all the recitations of independent Claim 31 from which it depends. Accordingly, Applicants respectfully request withdrawal of this objection to Claim 34. In addition, applicants respectfully request withdrawal of the objection to dependent Claims 35-45 at least for the reasons above regarding now independent Claim 34, and by virtue of their dependency upon independent Claim 34.

III. Conclusion

Applicants respectfully request that this Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicants respectfully submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants respectfully submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Please grant any extensions of time required to enter this amendment and
charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 3, 2004

By: 

D. Kent Stier
Reg. No. 50,640
(404) 653-6559

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com